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U.S. MAGISTRATE
JUDGE

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SWATSCHENO

Defendant.

MAGIS. NO. N-06-269 M

COMPLAINT

VIO. 18 U.S.C. § 1036 (a) (3)
ENTRY BY FALSE
PRETENSES TO ANY
SECURE AREA OF ANY
AIRPORT

Before a United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1

On or about August 27, 2006, in the Central Division of the District of Utah,

MICHAEL SWATSCHENO

the defendant herein, did, by fraud and false pretenses, enter and attempt to enter the secure area of the Salt Lake City International Airport, which is an airport within the meaning of 49 U.S.C §

47102, and did so with the intent to commit a felony, to wit, the theft of an aircraft, all in violation of 18 U.S.C. § 1036(a)(3), and punishable under 18 U.S.C. § 1036(b)(1).

Complainant states that this complaint is based on information obtained through investigation consisting of the following:

1. I am a Special Agent with the United States Federal Air Marshal Service. I have been so assigned for approximately three years in the Salt Lake City Division of FBI.

2. I currently am assigned to the Joint Terrorism Task Force (JTTF) and am the Airport Liaison Agent for the FBI. As such, I have been trained to investigate crimes which occur in the special aircraft jurisdiction of the United States.

3. I personally participated in the investigation of the matters discussed in this complaint, and have been provided information from Salt Lake City Airport Police Officer Gary Proctor.

4. This affidavit is made in support of a complaint alleging the crime of Entry by False Pretenses to Any Airport, in violation of 18 U.S.C. § 1036. The defendant is MIKE SWATSCHENO.

5. On August 27, 2006, at the request of Salt Lake City Airport Police, FAM SA Daniel Love of the FBI JTTF, FBI Special Agent Dan Patrick, and FBI Special Agent Matthew Miller, reviewed the reports and information provided by the airport police.

6. Salt Lake City Airport Police Officer Gary Proctor reported that he responded to the Fixed Base Operator (FBO) at Airport # 2, located at approximately 7365 South 4450 West in West Jordan, Utah, to identify an individual who had been acting in a suspicious manner. Officer Proctor was informed that the individual in question had been observed at the perimeter of

Airport #2 the previous day, and was suspected in the vandalism of aircraft at that time. Airport Police Officer Troy Duke had then advised the individual, later identified as Michael Swatscheno, that he would be arrested for trespass if he returned to Airport #2.

7. Officer Proctor made contact with SWATSCHENO who originally told the officer his first name was "Steve", but was confronted by Officer Proctor who already knew him to be MICHAEL SWATSCHENO.

8. Officer Proctor allowed SWATSCHENO to step out front of the FBO to have a cigarette, at which point SWATSCHENO reportedly ran away from the building. Officer Proctor pursued SWATSCHENO on foot, but was unable to locate him.

9. Officer Proctor was informed by airport staff that SWATSCHENO had run through a side door, through the hanger of the airport, and had boarded a Merlin aircraft, tail # N699KM. Officer Proctor removed SWATSCHENO from the plane at gun point using verbal commands. The part of the airport in which Swatscheno was located is a secure area, and may be accessed only by persons cleared through security procedures.

10. Salt Lake Airport Police Officer Lorrin Rix, responded and transported SWATSCHENO to the Airport Police station. Officer Rix reported SWATSCHENO stated he believed his wife was waiting in the plane and that he was going to pilot the plane if necessary to get he and his wife to Oregon. SWATSCHENO admitted that he had a problem with methamphetamine and had been using the drug prior to this incident.

11. FBI SA Dan Patrick and FBI SA Miller interviewed SWATSCHENO at the airport police station. SWATSCHENO admitted his intent was to "hijack" and steal the aircraft.

SWATSCHEÑO told the interviewing agents that he intended on jump starting the aircraft, and claimed he was going to pilot the plane if necessary.

12. FBI SA Dan Patrick made contact with SWATSHENO's wife Lisa Swatscheno, via telephone. She informed agents that she had spoken with her husband twice on August 26, 2006. SWATSCHEÑO reportedly told his wife he was going on an airplane ride, and that he was going flying.

13. Salt Lake Airport #2 is a secured and controlled access airport. The airfield is surrounded by a perimeter fence, and the airfield is only accessible through a controlled access point. The airfield and hangers are considered to be the sterile area of the airport. Salt Lake Airport #2 is an airport as defined in 49 U.S.C. 47102. Theft of an aircraft (grand larceny) is a felony under Utah law.

14. FAM SA Love informed SWATSCHEÑO that several criminal incidents had taken place at Airport #2 in the past six months. SWATSCHEÑO stated, "It was me, I tried to steal the plane and stuff."

16. Based on the investigation, Swatscheno was arrested for Entry by False Pretenses to

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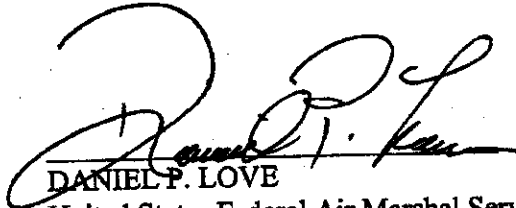
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Any Real Property, Vessel, or Aircraft of The United States or Secure Area of Any Airport, and transported to the Salt Lake County Jail.

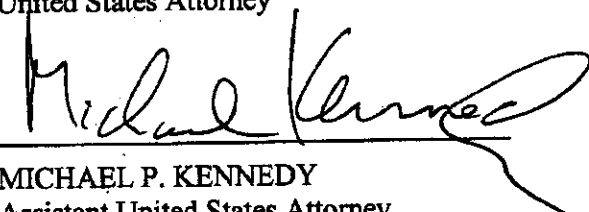

DANIEL P. LOVE
United States Federal Air Marshal Service

SUBSCRIBED AND SWORN TO BEFORE ME this 29th day of August, 2006.


DAVID O. NUFFER
United States Magistrate Judge

APPROVED:

BRETT TOLMAN
United States Attorney


MICHAEL P. KENNEDY
Assistant United States Attorney